



Patent

Attorney's Docket No. 011525-304

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Susan Farnsworth et al.	)	Group Art Unit: 1761
Application No.: 10/099,756	)	Examiner: ARTHUR L CORBIN
Filed: March 18, 2002	)	Confirmation No.: 4103
For: COLORED AND/OR FLAVORED	)	
FROZEN FRENCH FRIED POTATO	)	
PRODUCT	)	

**DISCUSSION OF SUBSTANCE OF TELEPHONIC EXAMINER INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper summarizes the substance of a telephonic interview that took place between the undersigned and Examiner Corbin on September 28, 2004.

Examiner Corbin telephoned the undersigned to discuss a number of changes to the claims in this application to place the application in allowable form. Initially, Examiner Corbin indicated that by virtue of the Response filed on August 30, 2004, independent Claim 9, and the claims depending from such claim, are allowable. With respect to independent Claim 21, Examiner Corbin indicated that although the Declaration of Craig Doan establishes that the artificial sweetener Splenda ® is not capable of caramelization, the Declaration does not provide sufficient evidence that all artificial sweeteners are incapable of caramelization. Examiner Corbin thus indicated that Claim 21 could not be allowed in its present form. The undersigned thus authorized Examiner Corbin to incorporate the subject matter of allowable dependent Claim 26 into independent Claim 21 to thus place Claim 21 in condition for

allowance. In connection with this change to Claim 21, the undersigned also agreed to the cancellation of Claims 26 and 28, and changing of the dependency of Claim 22 so that such claim depends from Claim 21.

Additionally, Examiner Corbin requested clarification concerning the wording in Claims 1, 14, 16, 31 and 32, as well as amended Claim 21, referring to "corresponding FD&C dyes" and asked that such claims be amended to include proper markush group wording. Examiner Corbin and the undersigned agreed to amend the aforementioned claims to change the wording "selected from the group consisting of, individually or in combination, xanthine, monoazo, pyrazolone, triphenylmethane, or indigoid color compounds or aluminum salts of corresponding FD&C dyes extended on a substratum of alumina hydrate" to --selected from the group consisting of, individually or in combination, xanthine, monoazo, pyrazolone, triphenylmethane, indigoid color compounds and aluminum salts of xanthine, monoazo, pyrazolone, triphenylmethane and indigoid color compounds extended on a substratum of alumina hydrate--. This change in wording was not intended to narrow the claim scope, but rather was sought for purposes of defining in a different manner what was intended by the phrase "corresponding FD&C dyes."

Finally, Examiner Corbin requested that Claims 11 and 30 be amended to include the term --then-- in the second-to-last line to simply make clear that the freezing of the potato pieces occurs after the frying of the potato pieces.

Should any questions arise in connection with this application, the undersigned respectfully requested that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 30, 2004

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